



CITY OF HAYWARD AGENDA REPORT

Meeting Date: 9/12/02

Agenda Item: 1

TO: Planning Commission

FROM: Norman Weisbrod, Consulting Project Planner

SUBJECT: Variance Application No. PL-2002-0400 – Ernest Armijo (Applicant/Owner): Request to Retain an Attached Shed that is Situated 4' 4" from the Rear Property Line Where a Minimum of 10' is Required; To Allow 33% of the Rear Yard to be Covered Where a Maximum of 20% May Be Covered; For an Exception to the City's Design Guidelines which Require that Accessory Structures Match the Primary Structure

The Property is Located at 26476 Cascade Street in the RS (Single-Family Residential) District.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305 (a) Minor Alterations in Land Use Limitations; and
2. Deny the variance and the exception subject to the attached findings.

BACKGROUND:

The property is located at the northwest corner of Cascade Street and Hickory Avenue. The lot has 95 feet of frontage on Cascade Street and 60 feet of frontage on Hickory Avenue with an area of 5,700 square feet.

The property is developed with a single-family home with an attached two-car garage. A storage room that is 11' 6" by 22' (253 square feet) was added to the home alongside the garage without a building permit. The addition is constructed of plywood with a shed type corrugated metal shed roof and windows along the wall facing the rear of the property. Access to the addition is from the attached garage.

The following are the yard requirements for an addition to a home in the RS zoned property:

- Attached addition: A single-story addition may be constructed as close as 10 feet from the rear property line as long as the expansion does not occupy more than 20 percent of the required rear yard.

The home on this property was built 15'10" from the rear property line (20' required) and already occupies 11 percent of the required rear yard. As such, it is a legal nonconforming structure. If the existing room addition were modified to provide a 10-foot rear setback, it would conform to the rear yard requirements for an addition to the home as well as rear yard coverage requirements.

Staff believes that the required findings to approve the variance to the rear yard setback for the room addition as built cannot be made. The parcel is equal in size and shape to other corner parcels in the same tract of homes. The placement of the home on the parcel is also similar to other corner parcels in the vicinity. It would be possible for the property owner reduce the area of the addition or locate a detached shed elsewhere on the property without the need for a variance.

With respect to the City's Design Guidelines, the exterior of an addition or a detached accessory structure must be constructed to match the design of the home, including the roof material and the exterior wall surface covering. There is no basis for permitting a room addition that is incongruous with the architecture of the home.

Staff received five phone calls in opposition to the variance. The callers' concerns were that other neighbors would want similar sheds and that it is unattractive. Staff also received two calls in support of retention of the shed with the rear yard variance. Both callers commented that this is one of the more attractively maintained properties in the neighborhood.

ENVIRONMENTAL REVIEW

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305 (a) Minor Alterations in Land Use Limitations.

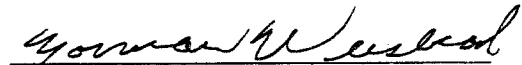
PUBLIC NOTICE

On August 30, 2002, a Notice of Public Hearing for the Planning Commission meeting was mailed to all property owners and residents within 300 feet of the project site.


CONCLUSION

It is staff's opinion there are no special circumstances applying to this property that would support the granting of a variance to the rear yard setback for the shed. There is room on the property to construct a detached shed without the need of a variance. Other homes in the vicinity have not been granted variances to reduce the required rear yard for the construction of a shed attached to the home.

Prepared by:

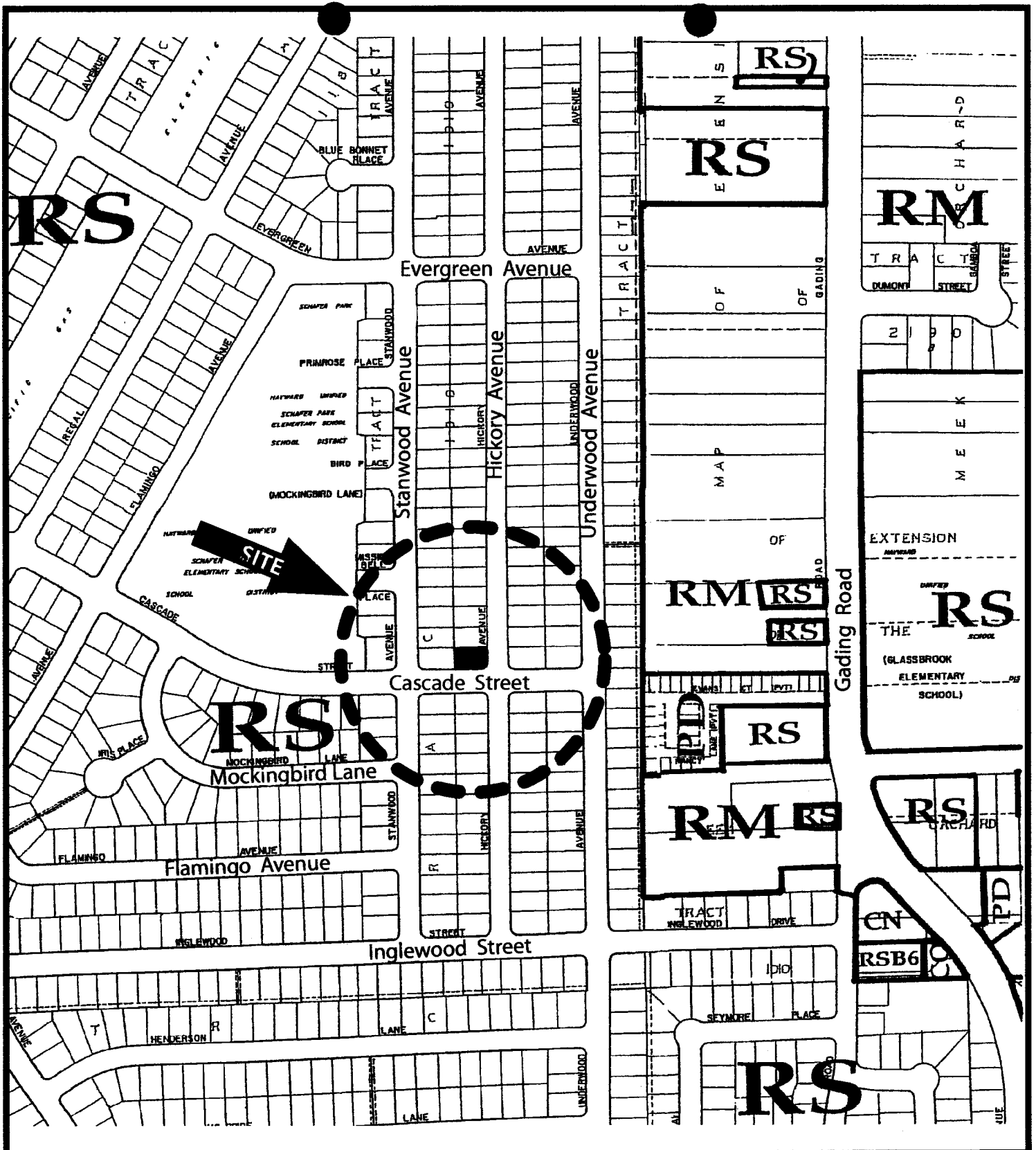

Norman Weisbrod
Consulting Project Planner

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Denial
- C. Site Plan



Area & Zoning Map

PL-2002-0400 VAR

Address: 26476 Cascade Street

Applicant: Ernest Armijo

Owner: Ernest Armijo

CN-Neighborhood Commercial

CO-Commercial Office

PD-Planned Development

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential, RSB4, RSB6

VARIANCE APPLICATION NO. PL-2002-0400

Ernest Armijo (Applicant/Owner)

26476 Cascade Street

FINDING FOR DENIAL

Findings for Denial – Request to reduce a required yard from 10 feet to 4 feet 4 inches and to retain an existing shed attached to the garage and for an exception to the City's Design Guidelines which require that accessory structures match the house.

- A. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, pursuant to Section 15305 (a) Minor Alterations in Land Use Limitations.
- B. There are no special circumstances applicable to the property regarding this variance request or the exception in that the property is identical in size to other corner parcels in the surrounding neighborhood and the placement of the home on the property is similar to other corner lots in the vicinity.
- C. Strict application of the Zoning Ordinance and the City's Design Guidelines would not deprive such property of privileges enjoyed by other properties in the vicinity under the same zoning classification in that there is adequate room at the rear of the home to construct a detached storage shed in conformance with the setback requirements.
- D. The variance and exception would constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated in that variances have not been approved for other properties in the vicinity for an attached shed that extends into the required rear yard setback.

